

RESOLUTION NO. A- 79704

1 WHEREAS, the City of Lincoln and Lancaster County previously entered into an
2 Agreement on August 20, 1992 establishing a joint Data Processing Division; and

3 WHEREAS, the parties desire to revise and amend that Interlocal Agreement by
4 entering into a new agreement re-establishing the Information Services Division, the Information
5 Services Policy Committee, the Government Access and Information Committee, the Criminal
6 Justice and Information System, and the Geographic Information System Advisory Committee; and

7 WHEREAS, the parties have prepared an Interlocal Agreement to provide for the
8 same.

9 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
10 Nebraska:

11 The attached Interlocal Agreement revising and re-establishing the Information
12 Services Division, the ISPC, GAIC, CJIS, and GIS Committees, and providing for budgets, cost
13 distribution, billings, and other matters, and superceding previous Inter local Agreements as
14 indicated in the Agreement is hereby approved.

15 BE IT FURTHER RESOLVED that the Mayor is authorized to execute said
16 Agreement on behalf of the City of Lincoln, Nebraska.

Approved as to Form & Legality:

ABT Rich Pao
City Attorney

Staff Review Completed:

Ann L. Harrell
Administrative Assistant

Introduced by:

Cynthia D. Johnson
AYES: Camp, Cook, Fortenberry,
Johnson, McRoy, Seng;
NAYS: None;
ABSENT: Shoecraft.

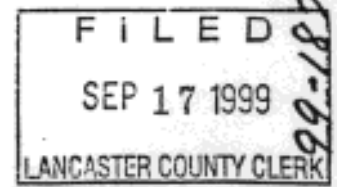
APPROVED

SEP 13 1999
Don Waseley
MAYOR

ADOPTED

SEP 7 1999

By City Council



INTERLOCAL AGREEMENT

THIS AGREEMENT is made and entered into this 13th day of September, 1999, by and between the City of Lincoln, Nebraska, (City) and the County of Lancaster, Nebraska (County).

WHEREAS, the parties hereto are governmental and political subdivisions of the State of Nebraska, and are public agencies for purposes of the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. (Reissue 1997); and

WHEREAS, the Interlocal Cooperation Act permits any two or more public agencies to enter into agreements with one another for joint or cooperative action; and

WHEREAS, the City and County are agreeable to revising the Interlocal agreement establishing a joint data processing division, previously entered into August 20, 1992.

NOW THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the City and County agree as follows:

I. **INFORMATION SERVICES DIVISION.**

The joint City-County Information Services Division (Information Services Division) is hereby created within the City Finance Department. The Information Services Division shall be supervised by an Information Services Division manager who shall be a classified City employee appointed by and who shall serve under direct supervision of the Finance Director, subject to initial approval by the Lancaster County Board of Commissioners.

II. **SERVICES.**

The Information Services Division will be responsible for providing the following services:

- A. **General Services.** Planning, consulting, acquisition and maintenance for all hardware, software systems, and communications services necessary for modern data processing, such as:
 - 1. Site acquisition and planning.
 - 2. Development of alternative technological approaches.
 - 3. Assessment of automation possibilities.
 - 4. Participation in equipment planning and acquisition.
 - 5. Development of systems transition and disposal plans.
 - 6. Development of alternative purchasing and leasing plans.

7. Maintenance of centralized inventory.
 8. **Maintenance of a centralized** contract file.
- B. **Planning.** Development and maintenance of the City and County tactical plans.
 - C. **Equipment.** Provision and operation of available and existing equipment and facilities within the Information Services Division.
 - D. **Other.** Coordination of costs of services, and concerns of the user community.

III. **INFORMATION SERVICES POLICY COMMITTEE (ISPC).**

- A. **Composition.** The Information Services Policy Committee is hereby established which shall consist of two (2) representatives from the County (one elected official); two (2) representatives from the City (one elected official and one representative from the Mayor's Office); and the City Finance Director.
- B. **Terms.** The representatives shall serve until their successors are appointed and qualified.
- C. **Purpose.** The purpose of the ISPC is to initiate, review, and recommend to the Mayor, City Council and the County Board policies that promote and facilitate effective delivery of information-processing services to all users.
- D. **Duties.** The ISPC may develop and approve policies to fulfill the purpose and administration of this Agreement. All policies shall be developed under the direction of the Information Services Policy Committee, and approved by the **Mayor and the** Board of County Commissioners prior to implementation, including, but not be limited to the following:
 1. Establish appropriate application development, cost distribution, and billing policies for data processing applications developed by the Information Services Division for the use of any entity subject to this Agreement.
 2. Review total service commitment of the Information Services Division.
 3. Review requests for expanded services, user base, or both.
 4. Mediate policy, priority, and resources assignment problems.
 5. Offer input during evaluations of the performance of the data processing management.

6. Seek input from all users of data processing services as to their particular needs and consider such needs when developing its recommended policies.
 7. Recommend to the Mayor, City Council and County Board any changes to this Agreement.
 8. Review recommendations from the Government Access and Information Advisory Committee, Geographic Information System Advisory Committee and the Criminal Justice Information System Advisory Committee.
 9. Report and approve annual budget and rates of the Information Services Division to support its operations.
- E. **Reports.** The ISPC shall submit reports concerning ISPC activities as requested by the Mayor, City Council and County Board. The ISPC may determine to provide additional reports as the ISPC may deem appropriate.

IV. **GOVERNMENT ACCESS AND INFORMATION COMMITTEE (GAIC).**

- A. **Composition.** The Government Access and Information Committee is hereby established. This Committee shall be composed of three (3) representatives from the general public who will be nominated by the Mayor and approved by the City Council and County Board; five (5) rotating representatives from departments in the County, City and Lincoln Electric System; and the County Records and Information Manager, who will serve as a non-voting, ex-officio member.
- B. **Terms.** The terms shall begin in January. The citizen representatives shall each serve two-year terms, at alternating terms. The departmental representatives shall serve until their successors are appointed and qualified. All members shall be approved by the City Council and County Board. Members may be re-appointed for additional terms.
- C. **Purpose.** The purpose of the GAIC is to review and recommend to the Information Services Policy Committee policies that promote and facilitate effective delivery of government information to internal and external users of the government data processing system. City and County agencies shall be required to participate in the government access system unless the agency's information is privileged information or otherwise restricted by law. Only City and County agencies or contracted government services entities will have data files residing on the government access system.

- D. **Duties.** The GAIC shall review and advise the ISPC of the following:

1. Participation standards for government access by external customers.
 2. Hardware/software configurations for the City and County entities to establish connectivity and communication access to information.
 3. Rate policies and structures.
 4. System marketing plans to private and public sectors.
- E. **Reports.** The GAIC shall submit an annual report to the Mayor, City Council and County Board concerning the results and recommendation of its charges. The GAIC shall submit reports concerning GAIC activities or duties as requested by the ISPC. The GAIC may determine to provide additional reports as the GAIC may deem appropriate.
- F. **Access Policy.** The City Council and County Board have established a Digital File Access Policy (Access Policy) providing the associated fees for restricted and resale use of certain digital files according to certain categories and conditions, which may be amended from time to time. (City Resolution A-97R-252 and County Resolution No. 98-2131). The GAIC may approve additional files in an appendix list of files that are of like kind and character as those already listed in the Access Policy. The GAIC is not authorized to approve additional digital files which do not correspond to the existing Access Policy or existing categories. The GAIC is not authorized to change fees for the restricted or resale use of digital files approved for use. Digital files approved for restricted or resale use under this subparagraph shall be treated in all respects as those adopted with the Access Policy.

V. CRIMINAL JUSTICE AND INFORMATION SYSTEM COMMITTEE (CJIS)

- A. **Composition.** The Criminal Justice and Information System Committee is hereby established. This Committee shall be composed of the following persons or his/her representative: Police Chief, County Sheriff, Public Defender, County Attorney, City Attorney, County Court Clerk, District Court Clerk, Information Services Manager, Corrections Director, Attention Center Director, City Council Member, and Chief Administrator to the County Board of Commissioners.
- B. **Terms.** The representatives shall serve until their successors are appointed and qualified.
- C. **Purpose.** The purpose of the CJIS Committee is to review and recommend to the Information Services Policy Committee policies that promote and facilitate effective delivery of criminal justice information to internal and external users.

- D. **Duties.** The CJIS Committee shall review and advise the ISPC of the following:
1. Participation standards for government access by external customers.
 2. Hardware/software configurations for the City and County entities to establish connectivity and communication access to information.
 3. Rate policies and structures, if applicable.
 4. System marketing plans to private and public sectors.
 5. Local, regional and national projects.
- E. **Reports.** The CJIS Committee shall submit reports concerning CJIS activities or duties as requested by the ISPC. The CJIS Committee may determine to provide additional reports as the CJIS Committee may deem appropriate.

VI. GEOGRAPHIC INFORMATION SYSTEM ADVISORY COMMITTEE (GIS)

- A. **Composition.** The Geographic Information System Advisory Committee is hereby established. This Committee shall be composed of the following persons or his/her representative: Planning Director, County Assessor, LES Administrator, County Engineer, Public Works Director, and Information Services Manager.
- B. **Terms.** The representatives shall serve until their successors are appointed and qualified.
- C. **Purpose.** The purpose of the GIS Committee is to review and recommend to the ISPC policies that promote and facilitate effective delivery of geographic information to internal and external users.
- D. **Duties.** The GIS Committee shall review and advise the ISPC of the following:
1. Participation standards for government access by external customers.
 2. Hardware/software configurations for the City and County entities to establish connectivity and communication access to information.
 3. Rate policies and structures, if applicable.
 4. System marketing plans to private and public sectors.
 5. Cost estimates and updates of various projects.

- E. **Reports.** The GIS Committee shall submit reports concerning GIS activities or duties as requested by the ISPC. The GIS Committee may determine to provide additional reports as the GIS Committee may deem appropriate.

VII. BUDGET, COST DISTRIBUTION AND BILLINGS

- A. **Budget.** The Information Services Division will be responsible for developing the budget plan necessary to support the projected demand for services. In developing these plans, the Information Services personnel will, within the framework of the policy, work with the City and County departments served.
- B. **Cost Distribution.** The distribution of costs to the City and County departments will be based on recommendations by the ISPC, subject to the approval of the **Mayor and the** Board of County Commissioners.
- C. **Billings.** Monthly billings will be sent to all agencies or departments of the parties utilizing data processing services, and payments shall be deposited in the Information Services Revolving Fund. All costs of the operation of the Information Services Division shall be paid from the Information Services Revolving Fund.

VIII. APPLICATION DEVELOPMENT.

All data processing applications developed for the use of any entity subject to this agreement shall comply with the appropriate application development policies. The development policies may provide cost distribution and billings for application development where appropriate.

IX. EMPLOYEES.

Employees of the Information Services Division shall be considered City employees for the purpose of compensation, fringe benefits, and all other personnel related matters.

X. DEDICATED EQUIPMENT.

All personal property, including but not limited to, computers, software, office equipment and furniture, and other support equipment used by the Information Services Division shall remain the property of the respective party which owned it on the effective date of this agreement. Thereafter, all personal property purchased or otherwise acquired for the Information Services Division shall be jointly owned by the parties; provided, however, that property purchased for specific use of an agency or department of a party and the cost of which is specifically paid for by said party shall be and remain the property of that party.

Upon termination of this agreement, jointly-owned property shall be divided as nearly as possible in proportion to the funds provided according to the then-current Information Services Division budget. If some or all of such property is not divisible, the City shall have the option to acquire it by paying the County the then-market value of the property reduced by the proportional amount of the City's original purchase contribution. Jointly owned property not distributed to or acquired by either party shall be sold and the proceeds divided between the parties in proportion to the funds provided to the then-current Information Services Division budget by the parties.

XI. EXISTING CONTRACTS.

After execution, the County agrees to be bound by all existing contracts entered into by the City for the delivery of data processing services. All future contracts for data processing services deemed necessary for the successful operation of the division shall be joint contracts.

XII. DURATION AND EFFECTIVE DATE.

This Agreement shall become effective upon execution by the parties and shall remain in full force and effect for a period of one year. Thereafter, it shall be automatically renewed for successive one year periods, unless terminated as hereafter provided.

XIII. AMENDMENTS.

This Agreement may be amended by written amendments approved by both parties.

XIV. TERMINATION.

This Agreement may be terminated by either party giving notice on or before the anniversary date of its execution that such party intends to terminate this agreement one year after such anniversary date. Such notice shall be served in writing upon the clerk of the other party. Upon termination, the terminating party shall have available to it all data and documentation accumulated to the date of termination.


XV. PREVIOUS AGREEMENTS SUPERSEDED.

This Agreement supersedes the previous Agreement between the parties, dated August 20, 1992, (City Resolution No. A-74966, adopted August 17, 1992; County Board executed September 8, 1992; City Resolution No. 71452, adopted June 15, 1987, County Board executed June 16, 1987; City Resolution No. A-71452, adopted June 15, 1987; City Resolution No. A-70185, July 8, 1985; County Board executed June 18, 1985; City Resolution No. A-67476, adopted May 11, 1981, County Board executed, May 5, 1981); This Agreement further supersedes the previous Agreement between the parties entered for the purpose of forming the GAIC, dated September 12, 1995, (City Resolution No. A-77021, adopted October 13, 1995; County Board executed September 12, 1995), and as amended by Addendum, dated

October 17, 1995, (City Resolution No. A-77058, adopted November 5, 1995, County Board executed October 17, 1995).

EXECUTED this 13th day of SEPTEMBER 1999. by the city of Lincoln. Nebraska.

CITY OF LINCOLN, NEBRASKA


Mayor

APPROVED AS TO FORM
this ____ day of _____, 1999.

Assistant City Attorney

EXECUTED this ***28th*** day of ***September*** 1999, by Lancaster County, Nebraska

**THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA**

Kathy Campbell, Chair

APPROVED AS TO FORM
this 17th day of September 1999.

David W. Johnson Jr.
County Attorney